

Indiana Department of Education

Division of Exceptional Learners

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1908.02
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	April 30, 2002
DATE OF REPORT:	May 30, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 1, 2002

**COMPLAINT ISSUES:**

Whether the School City of Hammond violated:

511 IAC 7-25-4 by failing to conduct an initial educational evaluation and convene a case conference committee (CCC) within 60 instructional days of the date of the parent's written consent; and

511 IAC 7-24-2(c) by failing to assign the Student's foster parent as the Student's educational surrogate parent (ESP).

**FINDINGS OF FACT:**

1. The Student is a fifteen-year-old seventh-grader who is currently being evaluated to determine eligibility for special education and related services.
2. The Student's foster mother sent a letter to the school principal, dated December 17, 2001, requesting an evaluation for special education services.
3. A CCC was convened on January 31, 2002, twenty-one instructional days from the December 17, 2001 request to evaluate. The CCC determined that the school psychologist would obtain a copy and review the psychological evaluation that was completed on December 22, 2000. The CCC agreed that no additional testing was needed at this time.
4. As of May 16, 2002, ninety instructional days from the date of the letter requesting evaluation, the Student's CCC has not convened to review the existing data to determine eligibility for special education and related services.
5. The foster parent's December 17, 2001 letter to the school requesting the evaluation indicated that she was a trained ESP. The school verified the foster parent's ESP training and recognizes her as the ESP, as per school policy. However, the school did not formally assign the foster parent as the ESP.

**CONCLUSIONS:**

1. Findings of Fact #2, #3, and #4 indicate that the school failed to complete the evaluation and convene the CCC to determine eligibility within 60 instructional of the parent's written request. Therefore, a violation of 511 IAC 7-25-4 is found.
2. Finding of Fact #5 reflects that the school failed to assign the Student's foster parent as the ESP. Therefore, a violation of 511 IAC 7-24-2(c) is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

1. Convene a CCC to determine the Student's eligibility for special education and related services by June 14, 2002. A copy of the CCC Summary shall be submitted to the Division no later than June 21, 2002.
2. In-service all appropriate staff regarding the requirements to conduct an educational evaluation and convene a CCC within sixty instructional days of the date of written parental consent as specified in 511 IAC 7-25-4(b) to determine eligibility. Submit documentation to the Division that the in-service has been completed no later than September 15, 2002.
3. Formally assign the Student's foster parent as the ESP as specified in 511 IAC 7-24-2(c). Submit documentation to the Division that the Student's foster parent has been assigned as the ESP no later than June 21, 2002.
4. Review and revise the applicable ESP policies and procedures to ensure that the school formally assigns a foster parent as the ESP as specified in 511 IAC 7-24-2(c). Submit copies of the applicable policies and procedures to the Division no later than September 15, 2002.